

Introduced by Senator Monning

February 25, 2015

An act to amend Sections 35100, 35103, 35120, and 35152 of, and to amend the heading of Division 26 (commencing with Section 35100) of, the Public Resources Code, relating to the Santa Clara Valley Open-Space District.

LEGISLATIVE COUNSEL'S DIGEST

SB 422, as introduced, Monning. Santa Clara Valley Open-Space District.

Existing law creates the Santa Clara County Open-Space Authority, and prescribes the jurisdiction and functions and duties of the authority. Existing law authorizes the authority, among other things, to acquire, hold, and dispose of real and personal property, within the authority's jurisdiction, necessary to the full exercise of its powers.

This bill would change the name of the authority to the Santa Clara Valley Open-Space District, and would authorize the district to acquire interests in real property that are either within the district's jurisdiction, part of a single property that is both within and adjacent to the district's jurisdiction, or within a watershed that includes lands within the district's jurisdiction where protection of those watershed lands outside of the district's jurisdiction is necessary to protect conservation values within the district's jurisdiction. The bill would also make related conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The heading of Division 26 (commencing with Section 35100) of the Public Resources Code is amended to read:

DIVISION 26. SANTA CLARA-COUNTY VALLEY
OPEN-SPACE-AUTHORITY DISTRICT

SEC. 2. Section 35100 of the Public Resources Code is amended to read:

35100. This division shall be ~~known~~ *known*, and may be ~~cited~~ *cited*, as the Santa Clara-County Valley Open-Space-Authority District Act.

SEC. 3. Section 35103 of the Public Resources Code is amended to read:

35103. “Authority” or “district” means the Santa Clara-County Valley Open-Space-Authority District created pursuant to this division in the County of Santa Clara. *All references in this division and elsewhere in law to the Santa Clara County Open-Space Authority shall mean and refer to the Santa Clara Valley Open-Space District.*

SEC. 4. Section 35120 of the Public Resources Code is amended to read:

35120. The Santa Clara-County Valley Open-Space-Authority District is hereby ~~created on February 1, 1993.~~ *created.* The maximum jurisdiction of the ~~authority district~~ shall include all areas within the county, except those areas of the county presently within the boundaries, including the sphere of influence, of the ~~midpeninsula~~ *Midpeninsula* Regional Open-Space District. Each city situated within the maximum jurisdictional boundaries shall pass a resolution stating its intent to be included within the ~~authority’s district’s~~ jurisdiction by January 15, 1993. These resolutions shall be transmitted to the board of supervisors. Any city ~~which~~ *that* fails to pass that resolution or ~~which~~ *that* formally states its intent to not participate shall be excluded from the ~~authority’s district’s~~ jurisdiction. The creation of the ~~authority district~~ is not subject to review by the Santa Clara County Local Agency Formation Commission.

SEC. 5. Section 35152 of the Public Resources Code is amended to read:

35152. The ~~authority~~ *district* may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in real and personal property, ~~within the authority's jurisdiction~~, necessary to the full exercise of its powers. *Real property interests acquired by the district shall be either within the district's jurisdiction, part of a single property that is both within and adjacent to the district's jurisdiction, or within a watershed that includes lands within the district's jurisdiction where protection of those watershed lands outside the district's jurisdiction is necessary to protect conservation values within the district's jurisdiction.* The ~~authority~~ *district* may accept and hold open-space easements and purchase development credits *wherever the district may acquire real property.*

Priority for open-space acquisition should be focused on those lands closest, most accessible, and visible to the urban area. The remote ranchlands east of the westernmost ridgeline of the Diablo Range shall be acquired as permanent open space only through conservation easement purchases or the granting of lands or conservation easements by owners to the ~~authority~~ *district*.

Lands subject to the grant of an open space easement executed and accepted by the ~~authority~~ *district* in accordance with this division are enforceably restricted within the meaning of Section 8 of Article XIII of the California Constitution. An easement or other interest in real property may be dedicated for open-space purposes by the adoption of a resolution by the governing board, and any interest so dedicated may be conveyed only as provided in this section.

The ~~authority~~ *district* may not validly convey any interest in any real property actually dedicated and used for open-space purposes without the consent of a majority of the voters of the ~~authority~~ *district* voting at a special election called by the governing board and held for that purpose. Consent need not first be obtained for a lease of any real property for a period not exceeding 25 years if that real property remains in open-space or agricultural use for the entire duration of the lease.